

FILED

MAR 27 2017

DAVID BREWIS, CLERK
BY *[Signature]*
Deputy

Chaz Pinkston

Plaintiff

v.

CASE NO.

4:17CV039-DMB-DAS

Mississippi Department of Corrections / Centurion

Defendant

PRISONER'S COMPLAINT CHALLENGING CONDITIONS OF CONFINEMENT

1. The Plaintiff's full legal name, the name under which the Plaintiff was sentenced, the Plaintiff's inmate identification number, the Plaintiff's mailing address, and the Plaintiff's place of confinement are as follows:

A. Legal name:

Chaz Pinkston

B. Name under which sentenced:

Chaz Pinkston

C. Inmate identification number:

148934

D. Plaintiff's mailing address (street or post office box number, city, state, ZIP):

Mississippi State Penitentiary Area I
Unit #29 A-building B-zone Cell #54, P.O.
Box 1057, Parchman, MS 38738

E. Place of confinement:

2. Plaintiff names the following person(s) as the Defendant(s) in this civil action:

Name:

Mississippi Department Of Corrections

Corrections/Correctional

Title (Superintendent, Sheriff, etc.):

Mississippi State Penitentiary, 590

Parchman Road 12, Parchman, MS 38738

Defendant's mailing address (street or post office box number, city, state, ZIP)

Continuation of Question 2

Name: Nichols
Title: Captain
Mailing Address: Mississippi State Penitentiary
590 Parchman Rd 12, Unit #30,
Parchman, MS 38738

Name: Keba Taylor
Title: Lieutenant
Mailing Address: Mississippi State Penitentiary
590 Parchman Rd 12, Unit #30
Parchman, MS 38738

Name: S. Anderson
Title: Sergeant C/O IV or C/O V
Mailing Address: Mississippi State Penitentiary
590 Parchman Rd 12, Unit #30
Parchman, MS 38738

Name:

Centurion

Title (Superintendent, Sheriff, etc.):

Contractor

Defendant's mailing address (street or post office box number, city, state, ZIP)

Mississippi State Penitentiary, 590 Parchman Rd
12 Unit #42 Hospital, Parchman, MS 38738

Name:

Dr. Kuiper

Title (Superintendent, Sheriff, etc.):

Medical Director

Defendant's mailing address (street or post office box number, city, state, ZIP)

Mississippi State Penitentiary - Hospital
Unit #42, Parchman, MS 38738

Name:

Ms. Barron

Title (Superintendent, Sheriff, etc.):

Registered Nurse / 2nd Floor Nurse-In-Charge
Mississippi State Penitentiary-Hospital Unit
#42, Parchman, MS 38738

(If additional Defendants are named, provide on separate sheets of paper the complete name, title, and address information for each. Clearly label each additional sheet as being a continuation of Question 2).

3. Have you commenced other lawsuits in any other court, state or federal, dealing with or pertaining to the same facts that you allege in this lawsuit or otherwise relating to your imprisonment? Yes No

4. If you checked "Yes" in Question 3, describe each lawsuit in the space below. If there is more than one lawsuit, describe the additional lawsuit(s) on separate sheets of paper; clearly label each additional sheet as being a continuation of Question 4.

A. Parties to the lawsuit:

Plaintiff(s):

Defendant(s):

B. Court:

C. Docket No.:

D. Judge's Name:

E. Date suit filed:

F. Date decided:

G. Result (affirmed, reversed, etc.):

5. Is there a prisoner grievance procedure or system in the place of your confinement? Yes No

6. If "Yes," did you present to the grievance system the same facts and issues you allege in this complaint? (See question 9, below). Yes No

7. If you checked "Yes" in Question 6, answer the following questions:

A. Does the grievance system place a limit on the time within which a grievance must be presented? Yes No

B. If you answered "Yes," did you file or present your grievance within the time limit allowed? Yes No

C. The court must find that you exhausted the prison's grievance system and administrative remedies before it can consider this Complaint. State everything you did to present your grievance(s). Be specific. Include the date(s) on which you filed or presented your grievances to prison officers; identify the officer(s). State your claim(s) exactly.

I filed the first grievance in late September. It was not permitted to be responded to by the recipient. The A.R.R. Director sent it back to me Early October saying "Beyond The Power of Administrative Remedy Program To Grant." I re-sent it again in November or late October 2016. I received - See Attached - this response in early January. I wrote the Administrative Remedy Program-Director, Rich and Pennington as well as his Associate Director here at Parchman requesting the specific dates I filed both A.R.P.'s and a copy of the original "first" response. No answer for 3 months!

D. State specifically what official response your grievance received. If the prison provides an administrative review of the decision on your grievance, state whether you applied for that review and what the result was.

Case # M.S.P. -16-1905 was the first grievance filed. The answer received was 'Beyond The Power Of Administrative Remedy Program To Grant'. Case # M.S.P. -16-2058 was the second grievance filed. The answer received was 'You Have Been Provided The Medications That The Provider Ordered For You'.

Special Note: Attach to this Complaint as exhibits complete copies of all requests you made for administrative relief through the grievance system, all responses to your requests or grievances, all administrative appeals you made, all responses to your appeals, and all receipts for documents that you have.

8. If you checked "No" in Question 6, explain why you did not use the grievance procedures or system:

N/A

9. Write below, as briefly as possible, the facts of your case. Describe how each Defendant is involved. Write the names of all other persons involved. Include dates and precise places of events. Do not give any legal argument or cite any legal authority. If you have more than one claim to present, number each claim in a separate paragraph. Attach additional pages only if necessary; label attached pages as being continuations of Question 9.

1) Negligence - I had been asking for the Eucerin Cream that was prescribed by a Dermatologist. My skin has worsened to the point of bleeding every time I move to quick and when I scratch. R.N. Barron was the Head Nurse In Charge over the 1st and 2nd Floor. That morning I awakened I had 6 very large boils on my inner thigh coming down from testicles. I called officer Harry Harris whom went and brought R.N. Barron to the cell door. I showed her my inner thigh and alligator scaled skin. She told me that "this was my personal problem and that she was busy taking care of real medical issues, so don't bother her again unless I was dying." She walked away muttering obscenities to officer Harry Harris about stopping her from her conversation she was gossiping about. Medical Director Dr. Kuiper came along with his Medical Assistant Ms. Drummer about 35 minutes after my conversation with R.N. Barron. I tried to get M.D. Dr. Kuiper to stop be-

Continuations Of Question "9"

he kept walking by. When he had finished seeing whom he came to see down the hall. I tried to show him the bleeding, boils, and the deepening cracks and sores on me. His Medical Assistant Ms. Drummer even stopped to see, winced, and tried to get M.D. Dr. Kuiper to stop and looking at me rotting away. He brushed her off and proceeded to leave. I stopped officer Harry Harris and asked if the Head Staff Administrator (H.S.A.) Willie Knighten was there because I needed to speak to her. He said he would check plus get an L.P.N. to bring some supplies to clean the sores, bleeding, and two of the oozing boils that I had busted. The L.P.N. brought me what was needed plus some gauzes but she told me to use them sparingly and out of the sight of R.N. Barron or she (the L.P.N.) would get in serious trouble. R.N. Barron and M.D. Dr. Kuiper had said to not treat me. They were saying that I was making up the story of having severe eczema and psoriasis as well as cutting myself with my fingernails. About an hour or so had passed before officer Harry Harris returned informing me that H.S.A. Willie Knighten had said that she wasn't coming to see me unless it was an Emergency or I gave her a reason. The Mental Therapist came and I informed her about my issue and showed her. R.N. Barron that was standing there said that I only showed her my penis and that I was lying about being in pain. I requested to speak with H.S.A. Willie Knighten. R.N. Barron said if I wanted her than get her myself. Also, Deliberate Indifference as 27!!

2) Forcible Administration Of Psychotropic Medication-

Continuations Of Question "q"

continued

-I began beating on the door and yelling for someone to call the H.S.A. Willie Knighten on to the South Ward. A few other prisoners joined in saying that I needed help. The officer Harry Harris came and said that he would go tell her I needed to see urgently again. Yet, moments later M.D. Dr. Kuiper, R.N. Barron, Lt. Keba Taylor, and the Medical Assistant returned. M.D. Dr. Kuiper said that I was nothing but a problem and that he would give me something to fix me just right. R.N. Barron just kept laughing and repeating over and over that "this would stop me from trying to tell their boss on them plus moisturize my eczema."

They left than minutes later Captain Nichols, Sgt. S. Anderson, and Lt. Keba Taylor, along with R.N. Barron.

Captain Nichols unlocked the tray slot and kept telling me too come on and get this shot. I asked what kind of shot and he said Haldol and Benadryl. He said M.D.

Dr. Kuiper and R.N. Barron ordered that I take it to clean up my skin of which all of them started laughing. I tried to explain to Captain Nichols, Lieutenant Keba Taylor, and Sgt. S. Anderson that I needed to speak with H.S.A.

Willie Knighten concerning my bleeding, sore, cracked, and dirt infected skin. I even showed them the last two boils that refused to burst. He ordered me three more times but I still refused to take the Psychotic Shot. He asked to see my bed sheets and as I was taken them off Captain Nichols, Lieutenant Keba Taylor, and Sgt. S.

Anderson unlocked and opened the cell door pushed me and grabbed/held me down as R.N. Barron gave me three shots. There was no use of Force Camera. That Haldol had me unable to sleep for days, feeling detached for months, and very sensitive.

Continuations Of Question "9"

1) Negligence; 2) Deliberate Indifference; 3) Forcible Administration Of Psychotropic Medication; 4) The Right To Refuse Treatment

As of now March 22nd, 2017 I still am being denied the appropriate skin care. My condition is still worsening. Bumps, Blackspots, Blackheads, Rashes, Boils, Bleeding, Itchy, Flaky, and Ugly Skin is my now normal. Every shower it seems to get inflamed more so to the point I have had to reduce my showering and shower usage. My skin is now extra sensitive. I have been threatened numerous times that if I file another A.R.P. (Grievance) than I will be given so many shots I want know how to count to one! I have turned in many sick calls requesting help but to no avail. My medical records prove that this severe skin condition has always been an ailment. Also, I don't fit the criteria to be given any Psychotropic, Psychotic, and/or Behaviorally Intrusive Shots.

Special Note: M.S.P.-16-1905 Original documents, Date of Filing, Response By The Administrative Remedy Program - Director, Richard Pennington To Not Allow My Grievance To Proceed; Are Not Presented Due To My Request For The Copies To Be Sent To Repeatedly Being Unanswered. This was done on the actual Grievance Form, therefore I didn't get any copies made. MDOC staff refuses to make copies of Grievances for prisoners to keep in our personal possession.

cause he had been repeatedly telling me for months to let him know if my eczema and psoriasis worsens. Then only would he ~~ever~~ order my Eucerin Cream or Lotion. This particular day though he shouted "I'm not here to see you" and

10. State briefly exactly what you want the court to do for you. Do not make legal arguments. Do not cite legal authority.

I'm requesting physical, mental, and emotional damages. To be paid in full! The effects of the shot as well as the trauma of being forced to take something so distorting, discomforting, intrusive, violently, plus to be laughed and poked fun at is very demeaning/oppressively antagonistic. It is still hard to shake off the thoughts that were processed during and after the assaultive action(s).

This Complaint was executed at (location):

Mississippi State Penitentiary-Hospital #42 Southward Cell #211

and I declare or certify or verify or state under penalty of perjury that this Complaint is true and correct.

Date: October 3rd, 2016

Chay Pinkston

Plaintiff's Signature

Exhibit
MISSISSIPPI DEPARTMENT OF CORRECTIONS
ADMINISTRATIVE REMEDY PROGRAMMSP-16-2058
CASE NUMBER

FROM: Chaz Pinkston

148934
MDOC #(M.S.P.) Hospital Unit #42
UnitDate: October 2nd, 2016

This is a Request for Administrative Remedy:

MDOC sub-contracted Medical Company Centurion employees (Administrative Staff) here in Unit #42 deny me my properly charted as well as appropriate medical treatment and items. The Medical Doctors here continually either deny me medical attention and/or refuse to give me what is appropriated by many of their colleagues as well as currently up-to-date. This violates MDOC policy of "Intra-System Transfer" which dictates the practice and procedure of transferring MDOC prisoners medical files/medications/medical items to whatever facility we go to. Instead, here in Unit #42 the Medical Administrators are unlawfully knowingly feloniously intelligently slyly forcibly administering shots of Haldol and Benadryl to me even though am not psychologically disturbed. I have told them allergic to Benadryl and now Haldol. They just laughed and continued to threaten to administer more shots when ever I refuse their uneducated guesses and attempt to get MDOC administrator's involved. The exact culprits are H.S.A. Ms. Knight, Medical Director Dr. Kuiper, Psychiatrist Dr. Williams, Psychologist Dr. Leflore, Nurse Practitioner Waltz and Director of Nurses Vicki Thomas. The Medical Items am supposed to receive treat my terribly severe Eczema, Psoriasis, Malnutrition, and Joint Pain - due to hereditary Rheumatoid Arthritis which they (here at M.S.P.) say I don't have because it won't hash't shown up in my blood work; yet they know just as I and other doctors do that it doesn't always show in blood work. It is like other diseases that can be there yet only detected by other test like Cat-Scans and Bone Marrow Test. Not to mention all other Doctor's in Prison and on the outside whom I have seen who have done test and confirmed Rheumatoid Arthritis. I saw Dr. Tatum at CMMC in Jackson, MS in 2011 or 2012 who is a certified Dermatologist concerning my skin. He diagnosed it and gave me Eucerin Cream, T-gel Shampoo, Erythromycin, and some type of medicated soap to treat my Eczema and Psoriasis. Now am being denied helpful medical attention/treatment/care but forced to get unwarranted, unlawful, psychotic shots that I coherently, cognitively, and conscientiously Refuse according to MDOC policy.

Remedy Requested:

To stop being forcibly given any psychotic and/or psychiatric shots against my will ever again. Also, to receive the appropriate medical treatment/care/items listed in my chart in accordance with MDOC policy and the contract signed with MDOC to honor Intra-System Transfer.

Signed By: Chaz Pinkston

Exhibit

**MISSISSIPPI DEPARTMENT OF CORRECTIONS
Administrative Remedy Program**

**MSP-16-2058
SECOND STEP RESPONSE FORM**

You must respond to the inmate within 45 days of receipt of the appeal of the First Step Response.

Inmate's Name & #: Chaz Pinkston, 148934
Unit: 29

FROM: Willie Knighten, Unit 42 Medical Facility
Title: Site Manager

Mr. Pinkston,

You have been provided the medications that the Provider ordered for you.

Willie Knighten
Signature

12/21/16
Date

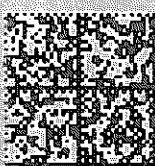
The above named inmate has fulfilled the requirements of the Administrative Remedy Program and is eligible to seek judicial review within 30 days of receipt of the Second Step Response.

Inmate's Signature

DOC #

Date

U.S. POSTAGE PAID



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C001376701 MAR 24 2017

Charl Pinkston # 148934
(M.S.P.) Area II
Unit # 29 - L B - Zone Cell #28 Rack #96
P.O. Box 1057
Parchman, MS 38738

MISSISSIPPI STATE PENITENTIARY
INMATE LEGAL ASSISTANCE PROGRAM
POST OFFICE BOX 10
PARCHMAN, MS 38738

RECEIVED

MAR 27 2017

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

U.S. District Court, Clerk
301 W. Commerce St.
Aberdeen, MS 39730

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